

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF GEORGIA**  
2211 UNITED STATES COURTHOUSE  
75 TED TURNER DRIVE, SW  
ATLANTA, GEORGIA 30303-3361

**KEVIN P. WEIMER**  
DISTRICT COURT EXECUTIVE  
AND CLERK OF COURT

**DOCKETING SECTION**  
**404-215-1655**

September 8, 2022

Clerk's Office - USCA No. **00-00000-00**  
U.S. Court of Appeals  
Eleventh Circuit  
56 Forsyth Street, NW  
Atlanta, Georgia 30303

**Re: United States of America v. Allen J. Pendergrass**  
**USDC Criminal No. 1:17-cr-224-AT-CMS-1**

Enclosed are documents regarding an appeal in the action referenced above. Please acknowledge receipt of same on the enclosed copy of this letter.

☒ **Certified copy of notice of appeal, docket, order and/or judgment, and commitment appealed from enclosed.**

☐ Original non-electronic record exhibits transmitted pursuant to request. (See attached copy of request.)

☐ Appeal fees been paid.

☐ Certified copy of order appointing Federal Defender Program enclosed.

☒ **Certified copy of CJA order appointing counsel enclosed.**

☐ Appellant has been forwarded an application to proceed IFP.

☐ Appellant has been leave to proceed IFP, copy of order enclosed.

☐ An appeal bond has been denied.

☒ **District Judge appealed from is Honorable Amy Totenberg.**

☐ Other: .

The enclosed certified, record on appeal consists of:

☐ Volume(s) of pleadings

☐ Envelope of Exhibits

☐ Volume(s) of transcripts.

☐ PSI enclosed. (SEALED)

Sincerely,

Kevin P. Weimer  
Clerk of Court

By: /s/P. McClam  
Deputy Clerk

Enclosures

APPEAL,AVEXH,CertRdyTrl,SHORT

**U.S. District Court**  
**Northern District of Georgia (Atlanta)**  
**CRIMINAL DOCKET FOR CASE #: 1:17-cr-00224-AT-CMS-1**

Case title: USA v. Pendergrass et al

Date Filed: 06/27/2017

Date Terminated: 08/26/2022

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Assigned to: Judge Amy  
Totenberg  
Referred to: Magistrate Judge  
Catherine M. Salinas

**Defendant (1)**

**Allen J. Pendergrass**  
65828019  
100 Julia Court  
Fayetteville, GA 30214  
*TERMINATED: 08/26/2022*

represented by **Saraliene Durrett**  
Saraliene Smith Durrett, LLC  
Suite 300  
1800 Peachtree Street, NE  
Atlanta, GA 30309  
404-433-0855  
Email: [ssd@defendingatl.com](mailto:ssd@defendingatl.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Sydney Rene Strickland**  
Strickland Webster, LLC –Atl  
Suite 510-203  
830 Glenwood Ave., S.E.  
Atlanta, GA 30316  
404-590-7967  
Fax: .  
Email: [sydney@stricklandwebster.com](mailto:sydney@stricklandwebster.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Robert H. Citronberg**  
Law Office of Robert Citronberg  
Suite 4100  
303 Peachtree Street, NW  
Atlanta, GA 30308  
404-522-7450  
Email: [rcitronberg@gmail.com](mailto:rcitronberg@gmail.com)  
*TERMINATED: 11/20/2018*  
*Designation: CJA Appointment*

**Pending Counts**

18:1341.F and 2 FRAUDS AND  
SWINDLES  
(1–5)

18:1956–3300.F MONEY  
LAUNDERING – INTERSTATE  
COMMERCE  
(6)

18:1028A.F(a)(1) and 2 FRAUD  
WITH IDENTIFICATION  
DOCUMENTS  
(7)

18:1028A.F(a)(1) and 2 FRAUD  
WITH IDENTIFICATION  
DOCUMENTS  
(8)

18:1028A.F(a)(1) and 2 FRAUD  
WITH IDENTIFICATION  
DOCUMENTS  
(9–10)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

22 months as to Count 1–6 to be served concurrently to each other and 24 months as to each of Counts 7–10 to be served concurrently to each other and consecutively to Counts 1–6 for a total term of 46 months. 18 month supervised release with special and mandatory conditions of release. \$1000.00 special assessment. \$221,298.36 in restitution.

22 months as to Count 1–6 to be served concurrently to each other and 24 months as to each of Counts 7–10 to be served concurrently to each other and consecutively to Counts 1–6 for a total term of 46 months. 18 month supervised release with special and mandatory conditions of release. \$1000.00 special assessment. \$221,298.36 in restitution.

22 months as to Count 1–6 to be served concurrently to each other and 24 months as to each of Counts 7–10 to be served concurrently to each other and consecutively to Counts 1–6 for a total term of 46 months. 18 month supervised release with special and mandatory conditions of release. \$1000.00 special assessment. \$221,298.36 in restitution.

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22 months as to Count 1–6 to be served concurrently to each other and 24 months as to each of Counts 7–10 to be served concurrently to each other and consecutively to Counts 1–6 for a total term of 46 months. 18 month supervised release with special and mandatory conditions of release. \$1000.00 special assessment. \$221,298.36 in restitution.

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

USA

represented by **Jeffrey Aaron Brown**  
Office of the United States  
Attorney–ATL600  
Northern District of Georgia  
600 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, GA 30303  
404–581–6064  
Email: [Jeff.A.Brown@usdoj.gov](mailto:Jeff.A.Brown@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Tracia M. King**  
Office of the United States  
Attorney–ATL600  
Northern District of Georgia  
600 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, GA 30303  
404–581–6305  
Email: [tracia.king@usdoj.gov](mailto:tracia.king@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Randy Scott Chartash**  
Office of the United States  
Attorney–ATL600  
Northern District of Georgia  
600 United States Courthouse  
75 Ted Turner Dr., S.W.  
Atlanta, GA 30303  
404–333–2423  
Fax: 404–365–3885  
Email: [randy@chartashlaw.com](mailto:randy@chartashlaw.com)  
*Designation: Retained*

**Teresa Marie Stolze**  
Office of the United States

Attorney-ATL600  
 Northern District of Georgia  
 600 United States Courthouse  
 75 Ted Turner Dr., S.W.  
 Atlanta, GA 30303  
 404-581-6181  
 Email: [teresa.stolze@usdoj.gov](mailto:teresa.stolze@usdoj.gov)  
 TERMINATED: 06/29/2021  
 Designation: Retained

Date Filed	#	Page	Docket Text
06/27/2017	<u>1</u>		INDICTMENT with Forfeiture Provision as to Allen J. Pendergrass (1) count(s) 1-5, 6, 7-10, and Terrell McQueen (2) count(s) 1-5, 6, 7-10. (cmd) (Entered: 06/29/2017)
06/27/2017	<u>2</u>		Defendant Information Sheet as to Allen J. Pendergrass. (cmd) (Entered: 06/29/2017)
06/27/2017	<u>4</u>		Request for Arraignment as to Allen J. Pendergrass. (cmd) (Entered: 06/29/2017)
06/27/2017	<u>5</u>		Writ of Habeas Corpus ad Prosequendum Issued as to Allen J. Pendergrass on 6/27/2017. Arraignment set for 7/21/2017 at 09:30 AM in ATLA Courtroom 1834 before Magistrate Judge John K. Larkins, III. Signed by Magistrate Judge Justin S. Anand on 6/27/2017. (cmd) (Entered: 06/29/2017)
06/30/2017	<u>7</u>		Notice for Leave of Absence for the following date(s): July 17th through July 24, 2017, by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 06/30/2017)
07/21/2017			Case as to Allen J. Pendergrass, Terrell McQueen assigned to District Judge Amy Totenberg and Magistrate Judge Catherine M. Salinas. (jtj) (Entered: 07/24/2017)
07/21/2017	<u>9</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER Victoria Calvert, IA Only, as to Allen J. Pendergrass. Signed by Magistrate Judge John K Larkins, III on 7/21/2017. (jtj) (Entered: 07/24/2017)
07/21/2017	<u>10</u>		ORDER OF CJA 20-Appointment to Pay Court Appointed Counsel, Robert H. Citronberg, for Allen J. Pendergrass. Signed by Magistrate Judge John K Larkins, III on 7/21/2017. (jtj) (Entered: 07/24/2017)
07/21/2017	<u>11</u>		CJA 23 Financial Affidavit by Allen J. Pendergrass. (jtj) (Entered: 07/24/2017)
07/21/2017	<u>12</u>		Minute Entry for proceedings held before Magistrate Judge John K Larkins, III: INITIAL APPEARANCE and ARRAIGNMENT with PLEA of NOT GUILTY by Allen J. Pendergrass (1). (Attachments: # <u>1</u> Plea (With Counsel)) (Tape #FTR) (jtj) (Entered: 07/24/2017)
08/01/2017	<u>17</u>		PRETRIAL SCHEDULING ORDER as to Allen J. Pendergrass. Pretrial Conference set for 8/9/2017 at 10:00 AM in ATLA Courtroom 1810 before Magistrate Judge Catherine M. Salinas. Signed by Magistrate Judge Catherine M. Salinas on 8/01/2017. (jtj) (Entered: 08/01/2017)
08/08/2017	<u>20</u>		MOTION for Extension of Time time to file motions and conduct pretrial conference by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 08/08/2017)

08/09/2017	<u>21</u>		Minute Entry for proceedings held before Magistrate Judge Catherine M. Salinas: Bond Hearing as to Allen J. Pendergrass. Non-surety Bond set at \$50,000. Defendant released. (Tape #FTR) (jtj) (Entered: 08/10/2017)
08/09/2017	<u>22</u>		ORDER Setting Conditions of Release as to Allen J. Pendergrass. Signed by Magistrate Judge Catherine M. Salinas on 8/09/2017. (jtj) (Entered: 08/10/2017)
08/11/2017	<u>23</u>		ORDER GRANTING <u>20</u> Motion for Extension of Time as to Allen J. Pendergrass (1). The deadline for filing pre-trial motions is hereby extended to August 22, 2017, and the pretrial conference is rescheduled for August 25, 2017, at 10:30 a.m. The time from August 9, 2017, to and until August 25, 2017, is excluded from the Speedy Trial Act computation. Signed by Magistrate Judge Catherine M. Salinas on 8/11/2017. (jtj) (Entered: 08/14/2017)
08/24/2017	<u>25</u>		MOTION for Jackson-Denno Hearing by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 08/24/2017)
08/24/2017	<u>26</u>		MOTION to Suppress Evidence by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 08/24/2017)
08/24/2017	<u>27</u>		MOTION to Dismiss indictment by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 08/24/2017)
08/24/2017	<u>28</u>		MOTION for Extension of Time time to perfect motions by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 08/24/2017)
08/24/2017	<u>29</u>		MOTION for Leave to File motions out of time (2 days) by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 08/24/2017)
08/25/2017	<u>31</u>		Minute Entry for proceedings held before Magistrate Judge Catherine M. Salinas: Pretrial Conference as to Allen J. Pendergrass. TAKING UNDER ADVISEMENT <u>25</u> Motion for Jackson-Denno Hearing, <u>26</u> Motion to Suppress Evidence, <u>27</u> Motion to Dismiss(The defendant is to perfect the motion by 9/29/17.) and GRANTING <u>28</u> Motion for Extension of Time and <u>29</u> Motion for Leave to File. (Tape #FTR) (bnw) (Entered: 08/25/2017)
08/31/2017			ORAL MOTION to Travel outside Jurisdiction by Allen J. Pendergrass. (jtj) (Entered: 08/31/2017)
08/31/2017	<u>32</u>		ORDER GRANTING Oral Motion to Travel outside Jurisdiction as to Allen J. Pendergrass (1). Defendant may travel to Columbus, Ohio to visit his mother from September 19, 2017. Defendant shall continue to comply with all other conditions and restrictions set forth in the August 9, 2017 Order granting pretrial release, [Doc. No. 22]. Signed by Magistrate Judge Catherine M. Salinas on 8/31/2017. (jtj) (Entered: 08/31/2017)
09/29/2017	<u>33</u>		MOTION for Extension of Time to perfect motion to dismiss, by Allen J. Pendergrass. (Citronberg, Robert) Modified on 9/29/2017 to edit docket text. (jtj) (Entered: 09/29/2017)
09/29/2017	<u>34</u>		Notice for Leave of Absence for the following date(s): October 11, 2017 to October 13, 2017; November 20, 2017 to November 24, 2017; and December 21, 2017 to December 29, 2017., by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 09/29/2017)

10/04/2017	<u>35</u>		ORDER GRANTING <u>33</u> Motion for Extension of Time as to Allen J. Pendergrass (1). The defendant shall have through and including October 4, 2017, in which to perfect his motion to dismiss. The time from September 29, 2017, to and until October 4, 2017, is excluded from the Speedy Trial Act computation. Signed by Magistrate Judge Catherine M. Salinas on 10/04/2017. (jtj) (Entered: 10/04/2017)
10/05/2017	<u>36</u>		MOTION to Dismiss Indictment by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit Ohio Indictment) (Citronberg, Robert) (Entered: 10/05/2017)
10/30/2017	<u>37</u>		RESPONSE in Opposition to <u>36</u> MOTION to Dismiss Indictment as to Allen J. Pendergrass, filed by USA. (Brown, Jeffrey) (Entered: 10/30/2017)
12/04/2017	<u>38</u>		NON-FINAL REPORT AND RECOMMENDATION as to Allen J. Pendergrass RECOMMENDING <u>25</u> MOTION for Jackson-Denno Hearing, <u>36</u> MOTION to Dismiss Indictment, and <u>27</u> MOTION to Dismiss indictment be DENIED. Defendant's Preliminary Motion to Suppress [Doc. 26] remains pending. An evidentiary hearing on this motion is set for December 20, 2017 at 9:30 a.m. Signed by Magistrate Judge Catherine M. Salinas on 12/04/2017. (jtj) (Entered: 12/04/2017)
12/04/2017	<u>39</u>		ORDER for Service of <u>38</u> Non-Final Report and Recommendation, by Magistrate Judge Catherine M. Salinas as to Allen J. Pendergrass. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge Catherine M. Salinas on 12/04/2017. (jtj) (Entered: 12/04/2017)
12/27/2017			Submission of <u>38</u> REPORT AND RECOMMENDATION as to Allen J. Pendergrass, submitted to District Judge Amy Totenberg. (jtj) (Entered: 12/27/2017)
01/08/2018	<u>40</u>		Supplemental MOTION to Suppress Evidence with Brief In Support by Allen J. Pendergrass as to Allen J. Pendergrass, Terrell McQueen. (Citronberg, Robert) (Entered: 01/08/2018)
01/22/2018	<u>42</u>		Minute Entry Status Conference as to Allen J. Pendergrass (1) for proceedings held before Magistrate Judge Catherine M. Salinas: The Court TOOK UNDER ADVISEMENT <u>40</u> Motion to Suppress Evidence. A government response is due by 2/5/18 and any reply by the defendant is due by 2/19/18. (jtj) (Entered: 01/22/2018)
01/23/2018	<u>43</u>		Notice for Leave of Absence for the following date(s): April 2, 2018 to April 6, 2018; May 29, 2018 to May 31, 2018; June 1, 2018 to June 5, 2018; and July 16, 2018 to July 20, 2018., by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 01/23/2018)
02/05/2018	<u>44</u>		RESPONSE in Opposition to <u>40</u> Supplemental MOTION to Suppress Evidence as to Allen J. Pendergrass, filed by USA. (Attachments: # <u>1</u> Exhibit A)(Brown, Jeffrey) (Entered: 02/05/2018)
02/09/2018	<u>45</u>		NOTICE of Change of Defendant's Address for Allen J. Pendergrass. (jtj) (Entered: 02/12/2018)
02/13/2018	<u>46</u>		ORDER ADOPTING <u>38</u> Magistrate's Report and Recommendation as to Allen J. Pendergrass (1). The Court denies as moot <u>25</u> Motion for Jackson-Denno



		Hearing, denies <u>27</u> Motion to Dismiss and denies <u>36</u> Motion to Dismiss Indictment. Signed by Judge Amy Totenberg on 2/13/2018. (jtj) (Entered: 02/13/2018)
02/22/2018	<u>47</u>	REPORT AND RECOMMENDATION as to Allen J. Pendergrass RECOMMENDING <u>26</u> and <u>40</u> MOTIONS to Suppress be DENIED. This case is CERTIFIED READY FOR TRIAL. Signed by Magistrate Judge Catherine M. Salinas on 2/22/2018. (jtj) (Entered: 02/22/2018)
02/22/2018	<u>48</u>	ORDER for Service of <u>47</u> Report and Recommendation by Magistrate Judge Catherine M. Salinas as to Allen J. Pendergrass. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge Catherine M. Salinas on 2/22/2018. (jtj) (Entered: 02/22/2018)
03/20/2018		Submission of <u>47</u> Report and Recommendation as to Allen J. Pendergrass (1) to District Judge Amy Totenberg. (sap) (Entered: 03/20/2018)
04/19/2018	<u>50</u>	Notice for Leave of Absence for the following date(s): May 17–18, 2018; and June 6–8, 2018 by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 04/19/2018)
05/11/2018	<u>51</u>	Notice for Leave of Absence for the following date(s): July 16–20, 2018 by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 05/11/2018)
05/22/2018	<u>52</u>	ORDER ADOPTING the <u>47</u> Report and Recommendation DENYING <u>26</u> and <u>40</u> Motion to Suppress Evidence. Trial is hereby set to commence on Monday, June 25, 2018, at 9:30 AM in Courtroom 2308. The pretrial conference is set for Friday, June 8, 2018, at 4:00 PM in Courtroom 2308. See order for further deadlines. The time from the date of this order to June 25, 2018, shall be excluded from computation under the Speedy Trial Act. Signed by Judge Amy Totenberg on 5/22/18. (jpa) (Entered: 05/23/2018)
05/23/2018		Set Hearings as to Allen J. Pendergrass and Terrell McQueen: Jury Trial set for 6/25/2018 at 09:30 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. Pretrial Conference set for 6/8/2018 at 04:00 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. (jpa) (Entered: 05/23/2018)
06/05/2018		NOTICE OF CANCELLATION of Hearing: the Pretrial Conference that was set for June 8, 2018, at 4:00 PM <u>has been cancelled</u> as to Allen J. Pendergrass, Terrell McQueen. (acm) (Entered: 06/05/2018)
06/20/2018	<u>54</u>	MOTION to Continue Trial by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 06/20/2018)
06/21/2018	<u>55</u>	ORDER GRANTING the Defendants' <u>53</u> and <u>54</u> Motion for Continuance of Trial as to Allen J. Pendergrass (1) and Terrell McQueen (2). IT IS HEREBY ORDERED that the above styled criminal action be continued and that the period of time between the filing of this motion and trial, is excluded from the Speedy Trial Act as to both defendants. Signed by Judge Amy Totenberg on 6/21/2018. (sap) (Entered: 06/21/2018)
06/29/2018	<u>56</u>	ORDER as to Allen J. Pendergrass and Terrell McQueen: The Court hereby CONTINUES the trial to Monday, August 6, 2018, at 9:30 AM in Courtroom 2308. The pretrial conference is set for July 27, 2018, at 2:30 PM in Courtroom



		2308. Defendants are required to attend the pretrial conference or present a written waiver of their attendance. By July 16, 2018, the parties are to file any motions in limine and proposed voir dire questions. By July 16, 2018, the Government is to file a summary of the indictment for use in voir dire. By July 23, 2018, the parties are to file any objections to those items listed above. The time from June 25, 2018, to August 6, 2018, shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv). Signed by Judge Amy Totenberg on 6/29/2018. (sap) (Entered: 06/29/2018)
06/29/2018		Clerk's Certificate of Mailing as to Allen J. Pendergrass (1) re <u>56</u> Order. (sap) (Entered: 06/29/2018)
07/03/2018	<u>57</u>	First MOTION to Continue Trial by USA as to Allen J. Pendergrass. (Brown, Jeffrey) (Entered: 07/03/2018)
07/23/2018	<u>58</u>	ORDER as to Allen J. Pendergrass (1) granting the Government's <u>57</u> Motion for Continuance of Trial. The trial is continued to Tuesday, August 21, 2018, at 9:30 AM in Courtroom 2308. The pretrial conference is set for August 15, 2018, at 4:15 PM in Courtroom 2308. Defendant Pendergrass is required to attend the pretrial conference or present a written waiver of his attendance. By July 30, 2018, the parties are to file any motions in limine and proposed voir dire questions. By July 30, 2018, the Government is to file a summary of the indictment for use in voir dire. By August 6, 2018, the parties are to file any objections to those items listed above. Signed by Judge Amy Totenberg on 7/23/18. (ddm) (Entered: 07/23/2018)
07/23/2018		Clerk's Certificate of Mailing as to Allen J. Pendergrass re <u>58</u> Order. Notice of street name change for the Atlanta courthouse included. (ddm) (Entered: 07/23/2018)
07/27/2018	<u>61</u>	Second MOTION to Continue Trial by USA as to Allen J. Pendergrass. (Brown, Jeffrey) (Entered: 07/27/2018)
07/30/2018	<u>62</u>	Notice for Leave of Absence for the following date(s): August 29–30, 2018; September 19–21, 2018; October 8–12, 2018; November 19–23, 2018; and December 24–28, 2018 by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 07/30/2018)
08/15/2018	<u>64</u>	ORDER GRANTING <u>61</u> Motion to Continue Trial as to Allen J. Pendergrass (1). Jury Trial set for 9/24/2018 at 09:30 AM in ATLA Courtroom 2308. Pretrial Conference set for 9/12/2018 at 10:30 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. Defendant Pendergrass is required to attend the pretrial conference or present a written waiver of his attendance. By September 3, 2018, the parties are to file any motions in limine and proposed voir dire questions. By September 3, 2018, the Government is to file a summary of the indictment for use in voir dire. By 9:00 AM on September 10, 2018, the parties are to file any objections to those items listed above. The time from August 21, 2018, to September 24, 2018, shall be excluded from computation under the Speedy Trial Act. Signed by Judge Amy Totenberg on 8/15/2018. (jtj) (Entered: 08/15/2018)
08/15/2018		Clerk's Certificate of Mailing as to Allen J. Pendergrass re <u>64</u> Order (jtj) (Entered: 08/15/2018)

09/05/2018	<u>65</u>		ORDER as to Allen J. Pendergrass resetting the Pretrial Conference for 9/18/2018 at 10:30 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. By September 12, 2018, the parties are to file any motions in limine and proposed voir dire questions. By September 12, 2018, the Government is to file a summary of the indictment for use in voir dire. By 10:00 AM on September 17, 2018, the parties are to file any objections to those items listed above. Signed by Judge Amy Totenberg on 9/05/2018. (jtj) (Entered: 09/05/2018)
09/05/2018			Clerk's Certificate of Mailing as to Allen J. Pendergrass re <u>65</u> Order. (jtj) (Entered: 09/05/2018)
09/06/2018	<u>66</u>		Government's Summary of the Indictment as to Allen J. Pendergrass, filed by USA. (Brown, Jeffrey) Modified on 9/6/2018 to reflect e-filed document. (jtj) (Entered: 09/06/2018)
09/12/2018	<u>67</u>		Proposed Voir Dire Questions as to Allen J. Pendergrass by USA. (Brown, Jeffrey) (Entered: 09/12/2018)
09/12/2018	<u>68</u>		MOTION to Continue trial date by Allen J. Pendergrass. (Citronberg, Robert) (Entered: 09/12/2018)
09/17/2018	<u>69</u>		ORDER granting <u>68</u> Motion for Continuance of of the trial as to Allen J. Pendergrass (1). The time from September 24, 2018, to November 26, 2018, shall be excluded from computation under the Speedy Trial Act. The Jury Trial is rescheduled for 11/26/2018 at 01:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. The Pretrial Conference is rescheduled for 11/9/2018 at 03:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. Signed by Judge Amy Totenberg on 9/17/18. (jpa) (Entered: 09/18/2018)
10/12/2018	<u>71</u>		MOTION in Limine and NOTICE of Intention to Use 404(b) Evidence, filed by USA as to Allen J. Pendergrass (Brown, Jeffrey) Modified on 10/15/2018 to add motion in limine. (jtj) (Entered: 10/12/2018)
10/15/2018	<u>72</u>		NOTICE OF ATTORNEY APPEARANCE Teresa Marie Stolze appearing for USA. (Stolze, Teresa) (Entered: 10/15/2018)
10/31/2018			NOTICE RESCHEDULING PRETRIAL CONFERENCE (by docket entry only) as to Allen J. Pendergrass. Pretrial Conference re-set for 11/8/2018 at 03:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. (hfm) (Entered: 10/31/2018)
11/02/2018	<u>73</u>		Amended MOTION for (404b) Information of defendant or any co-defendant by USA as to Allen J. Pendergrass. (Brown, Jeffrey) (Entered: 11/02/2018)
11/08/2018	<u>74</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Pretrial Conference as to Allen J. Pendergrass. Defendant will file voir dire and response to <u>73</u> Motion for 404b Evidence by 4:00pm on Friday November 16. Jury charges to be filed by Thursday, November 15. (Court Reporter Shannon Welch) (jpa) (Entered: 11/09/2018)
11/15/2018	<u>75</u>		Requests to Charge as to Allen J. Pendergrass (Citronberg, Robert) (Entered: 11/15/2018)
11/15/2018	<u>76</u>		Proposed Voir Dire Questions as to Allen J. Pendergrass (Citronberg, Robert) (Entered: 11/15/2018)

11/16/2018	<u>77</u>		Government's Proposed Jury Instructions as to Allen J. Pendergrass filed by USA. (Brown, Jeffrey) (Entered: 11/16/2018)
11/19/2018	<u>78</u>		RESPONSE as to Allen J. Pendergrass filed by Allen J. Pendergrass re: <u>73</u> Amended MOTION for (404b) Information of defendant or any co-defendant , <u>71</u> MOTION in Limine (Citronberg, Robert) (Entered: 11/19/2018)
11/19/2018	<u>79</u>		MOTION to Dismiss for Ineffective Assistance of Counsel by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibits B – D, # <u>3</u> Exhibits E – G, # <u>4</u> Exhibits H – I) (jtj) (Entered: 11/20/2018)
11/20/2018	<u>80</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Motion Hearing as to Allen J. Pendergrass re <u>79</u> MOTION to Dismiss Indictment filed by Allen J. Pendergrass. Defendants pro se motion to dismiss counsel granted. The trial scheduled to begin November 26, 2018, is continued to a date to be determined. Written order to follow. (Court Reporter Shannon Welch) (jpa) (Entered: 11/21/2018)
12/07/2018			Submission of <u>73</u> Amended MOTION for (404b) Information of defendant or any co-defendant, <u>71</u> MOTION in Limine as to Allen J. Pendergrass, to District Judge Amy Totenberg. (bdb) (Entered: 12/07/2018)
12/10/2018	<u>81</u>		ORDER OF CJA 20–Appointment to Pay Court Appointed Counsel: Appointment of Attorney Saraliene Smith Durrett for Allen J. Pendergrass (1). Nunc pro tunc to 11/27/2018. Signed by Magistrate Judge Catherine M. Salinas on 12/10/2018. (bdb) (Entered: 12/10/2018)
12/10/2018			Clerk's Certificate of Mailing as to Allen J. Pendergrass re <u>81</u> CJA 20 – Appointment to Pay Court Appointed Counsel. (bdb) (Entered: 12/10/2018)
12/11/2018	<u>82</u>		Request for Leave of Absence for the following date(s): February 1, 2019, February 4–8, 2019, April 1–5, 2019, by Saraliene Smith Durrett. (Durrett, Saraliene) (Entered: 12/11/2018)
12/13/2018	<u>83</u>		Notice for Leave of Absence for the following date(s): 2/15, 3/19, 3/20, 3/21, 3/22, 4/1, 4/2, 4/3, 4/4 and 4/5/2019, by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 12/13/2018)
01/04/2019	<u>84</u>		NOTICE SETTING TRIAL as to Allen J. Pendergrass. Pretrial Conference set for 5/15/2019 at 10:30 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. Jury Trial set for 5/20/2019 at 09:30 AM in ATLA Courtroom 2308 before Judge Amy Totenberg. Defendant is required to attend the pretrial conference or present a written waiver of his attendance. By April 24, 2019, the parties are to file any motions in limine and proposed voir dire questions. By April 24, 2019, the Government is to file a summary of the indictment for use in voir dire. By May 1, 2019, the parties are to file any objections to those items listed above. The time from December 10, 2018, to May 20, 2019, shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv). By direction of the Honorable Amy Totenberg, United States District Judge. (bdb) (Entered: 01/04/2019)
01/04/2019			Clerk's Certificate of Mailing as to Allen J. Pendergrass re <u>84</u> Notice Setting Trial. (bdb) (Entered: 01/04/2019)
01/23/2019	<u>86</u>		

		TRANSCRIPT of Hearing on Motion to Dismiss for Ineffective Assistance of Counsel (Part 1 of 3) Proceedings as to Allen J. Pendergrass held on 11/20/2018, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Redaction Request due 2/13/2019. Redacted Transcript Deadline set for 2/25/2019. Release of Transcript Restriction set for 4/23/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 01/23/2019)
01/23/2019	<u>87</u>	TRANSCRIPT of Hearing on Motion to Dismiss for Ineffective Assistance of Counsel (Part 3 of 3) Proceedings as to Allen J. Pendergrass held on 11/20/2018, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Redaction Request due 2/13/2019. Redacted Transcript Deadline set for 2/25/2019. Release of Transcript Restriction set for 4/23/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 01/23/2019)
01/24/2019		Document 88 is sealed. (ddm) (Entered: 01/24/2019)
01/29/2019	<u>89</u>	MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ) by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit Fulton County Docket, # <u>2</u> Exhibit APD arrest warrant and search warrant, # <u>3</u> Exhibit Release from Fulton County Pretrial Services, # <u>4</u> Exhibit Ohio Indictment) (Durrett, Saraliene) (Entered: 01/29/2019)
01/29/2019	<u>90</u>	MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ) by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit Fulton County Docket, # <u>2</u> Exhibit Fulton County Bond Order, # <u>3</u> Exhibit APD arrest warrant and search warrant, # <u>4</u> Exhibit Release from Fulton County Pretrial Services, # <u>5</u> Exhibit Ohio Indictment) (Durrett, Saraliene) (Entered: 01/29/2019)
01/30/2019		ORDER (by docket entry only DIRECTING the Government to File a Response re <u>89</u> MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ), and <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ), by Thursday, February 7, 2019. A reply will be due Tuesday, February 12, 2019. If defendant does not wish to file a reply, he must notify the Court on or before February 11, 2019. By Judge Amy Totenberg on 1/30/19. (hfm) (Entered: 01/30/2019)
01/30/2019	<u>91</u>	Notice for Leave of Absence for the following date(s): 5/15, 5/16, and 5/17/2019, by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 01/30/2019)
02/09/2019	<u>92</u>	First MOTION for Extension of Time to File Response/Reply by USA as to Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Brown, Jeffrey) (Entered: 02/09/2019)
02/12/2019	<u>93</u>	ORDER granting <u>92</u> Government's Unopposed Motion for Extension of Time to File Response and Reply as to Allen J. Pendergrass (1). Therefore, it is hereby ORDERED that the government's response to Defendant's Motions to Dismiss Indictment is due on February 15, 2019. The Defendant's reply is due on February 21, 2019. It is further ORDERED that all of the time period from January 29, 2019, the date of the filing of defendant's motions to dismiss, until the date that this motion is resolved, be EXCLUDED from computations under the Speedy Trial Act for the reasons set forth herein, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Signed by Judge Amy Totenberg on 2/11/2019. (bdb) (Entered: 02/12/2019)

02/12/2019			Clerk's Certificate of Mailing as to Allen J. Pendergrass (1) re <u>93</u> Order. (bdb) (Entered: 02/12/2019)
02/15/2019	<u>95</u>		RESPONSE in Opposition as to Allen J. Pendergrass filed by USA re <u>89</u> MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ) (Brown, Jeffrey) (Entered: 02/15/2019)
02/15/2019	<u>96</u>		RESPONSE in Opposition as to Allen J. Pendergrass filed by USA re <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ) (Brown, Jeffrey) (Entered: 02/15/2019)
02/20/2019	<u>97</u>		Unopposed MOTION for Extension of Time to File Response/Reply by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 02/20/2019)
02/20/2019	<u>98</u>		ORDER granting <u>97</u> Motion for Extension of Time through 2/28/19 to File Response/Reply as to Allen J. Pendergrass (1). Pursuant to 18 U.S.C. 3161(h)(7)(A) and (B)(i) and (iv), the time in between January 20, 2019 and February 28, 2019 shall be excluded from the Speedy Trial calculations. Signed by Judge Amy Totenberg on 2/20/19. (jpa) (Entered: 02/20/2019)
02/27/2019	<u>99</u>		TRANSCRIPT of Audio Recorded Initial Appearance and Arraignment Proceedings as to Allen J. Pendergrass held on 7/21/2017, before Judge John K. Larkins, III. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR, Telephone number 404-215-1383. Redaction Request due 3/20/2019. Redacted Transcript Deadline set for 4/1/2019. Release of Transcript Restriction set for 5/28/2019. (Attachments: # <u>1</u> Notice of Filing Transcript) (srw) (Entered: 02/27/2019)
02/28/2019	<u>100</u>		REPLY TO RESPONSE to Motion as to Allen J. Pendergrass filed by Allen J. Pendergrass re: <u>89</u> MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ) (Durrett, Saraliene) (Entered: 02/28/2019)
02/28/2019	<u>101</u>		REPLY TO RESPONSE to Motion as to Allen J. Pendergrass filed by Allen J. Pendergrass re: <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ) (Attachments: # <u>1</u> Exhibit tactical plan for arrest, # <u>2</u> Exhibit chain of custody, # <u>3</u> Exhibit APD report of investigation)(Durrett, Saraliene) (Entered: 02/28/2019)
03/04/2019			Submission of <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ), <u>89</u> MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ) as to Allen J. Pendergrass, to District Judge Amy Totenberg. (bdb) (Entered: 03/04/2019)
03/11/2019	<u>102</u>		ORDER as to Allen J. Pendergrass (1): The Government is DIRECTED to file a response to Defendant's newly asserted ground for its <u>89</u> Motion to Dismiss Indictment for Speedy Trial Violation no later than March 18, 2019, and Defendant's <u>101</u> Reply in Support of <u>90</u> Motion to Dismiss Indictment Pursuant to the Fifth And Sixth Amendment no later than March 25, 2019. The Government is FURTHER DIRECTED in its response filed on March 25, 2019 to advise the Court whether all requisite discovery relating to the topics identified in item 2 in the Order has already been provided to Defense counsel or alternatively, if some evidence that has been withheld as outside the current bounds of discovery, the scope of such evidence. The Defendant is DIRECTED to address the issues in item 4 in the Order in a supplemental brief to be filed no later than March 18, 2019 and the Government shall address those issues in



		its response brief filed on or before March 25, 2019. The Defendant shall be authorized to file a reply brief, but such brief shall be filed no later than April 1, 2019. The time from March 7, 2019 through May 1, 2019 shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and § 3161(h)(7)(B)(i). Signed by Judge Amy Totenberg on 3/11/2019. (sap) (Entered: 03/11/2019)
03/11/2019		Clerk's Certificate of Mailing as to Allen J. Pendergrass (1) re <u>102</u> Order. (sap) (Entered: 03/11/2019)
03/18/2019	<u>103</u>	<b>(FILED AS TO ALLEN PENDERGRASS (1) ONLY)</b> RESPONSE in Opposition re <u>89</u> MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ) as to Allen J. Pendergrass filed by USA (Brown, Jeffrey) Modified on 3/19/2019 (sap). (Entered: 03/18/2019)
03/18/2019	<u>104</u>	MOTION for Leave to File Motion to Dismiss with Brief In Support by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit A, Email to Government Requesting Discovery) (Durrett, Saraliene) (Entered: 03/18/2019)
03/19/2019		Notification of Docket Correction re <u>103</u> Response in Opposition: Filed as to Allen Pendergrass (1) only. (sap) (Entered: 03/19/2019)
03/20/2019		ORDER by docket entry only as to Allen J. Pendergrass: Defendant is DIRECTED to file no later than 1 PM on March 21, 2019 a notice advising the Court and Government if its request for leave to file a Motion to Dismiss Out of Time and Brief In Support would merely entail the Court's and Government's considering Defendant's previously briefed arguments filed by current counsel on behalf of Defendant's request for dismissal based on pre-indictment delay — or alternatively, whether Defendant is seeking leave to file a new brief. The Court will determine how to proceed and/or if any change in the briefing schedule is warranted accordingly. Ordered by Judge Amy Totenberg on 3/20/19. (hfm) (Entered: 03/20/2019)
03/20/2019	<u>105</u>	NOTICE re <u>104</u> MOTION for Leave to File Motion to Dismiss as to Allen J. Pendergrass (Durrett, Saraliene) (Entered: 03/20/2019)
03/25/2019	<u>106</u>	RESPONSE as to Allen J. Pendergrass filed by USA re <u>104</u> MOTION for Leave to File Motion to Dismiss (Brown, Jeffrey) Event Modified on 4/8/2019 (sap). (Entered: 03/25/2019)
04/01/2019	<u>107</u>	REPLY TO RESPONSE to Motion as to Allen J. Pendergrass filed by Allen J. Pendergrass re: <u>104</u> MOTION for Leave to File Motion to Dismiss, <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ) (Attachments: # <u>1</u> Exhibit Fulton Bond Order, # <u>2</u> Exhibit Discovery letter, # <u>3</u> Exhibit Email re Ohio Attorney, # <u>4</u> Exhibit Various emails)(Durrett, Saraliene) (Entered: 04/01/2019)
04/02/2019		Submission of <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ), <u>89</u> MOTION to Dismiss on Speedy Trial ( <i>Statutory</i> ) as to Allen J. Pendergrass, to District Judge Amy Totenberg. (hfm) (Entered: 04/02/2019)
04/08/2019		Submission of <u>104</u> MOTION for Leave to File Motion to Dismiss as to Allen J. Pendergrass (1) to District Judge Amy Totenberg. (sap) (Entered: 04/08/2019)
04/15/2019		NOTICE SCHEDULING HEARING by docket entry only as to Allen J. Pendergrass. Hearing set for 4/30/2019 at 10:30 AM in ATLA Courtroom 2308

		before Judge Amy Totenberg. (hfm) (Entered: 04/15/2019)
04/17/2019	<u>108</u>	Notice for Leave of Absence for the following date(s): July 3–10, 2019, September 23–27, 2019, by Saraliene Smith Durrett. (Durrett, Saraliene) (Entered: 04/17/2019)
04/24/2019		ORDER (by docket entry only) as to Allen J. Pendergrass: The hearing scheduled for April 30, 2019, will cover all pending motions, including all unresolved evidentiary and discovery issues. By Judge Amy Totenberg on 4/24/19. (hfm) (Entered: 04/24/2019)
04/26/2019	<u>109</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Telephone Conference held as to Allen J. Pendergrass (1) on 04/26/2019. The hearing scheduled for Tuesday, April 30, is CANCELLED. Written Order to follow. (Court Reporter Penny Coudriet) (sap) (Entered: 04/29/2019)
04/29/2019	<u>110</u>	Unopposed MOTION to Continue trial date by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 04/29/2019)
04/30/2019		Submission of <u>110</u> Unopposed MOTION to Continue trial date as to Allen J. Pendergrass to District Judge Amy Totenberg. (bnp) (Entered: 04/30/2019)
05/01/2019	<u>111</u>	ORDER as to Allen J. Pendergrass (1): The Court DENIES Defendant's <u>89</u> Motion to Dismiss for Speedy Trial (Statutory) and GRANTS the Defendant's <u>104</u> Motion for Leave to File Motion to Dismiss Out of Time. The Defendant's <u>90</u> Motion to Dismiss on Speedy Trial (Constitutional) and any other remaining pre-trial matters that may now arise are REFERRED back to the Magistrate Judge. The Court DE-CERTIFIES this case as it is not ready for trial. Accordingly, the Court will defer scheduling the start date of trial at least until completion of proceedings before the Magistrate Judge and re-certification of the case as ready for trial. Pursuant to 18 U.S.C. § 3161(h)(7)(a) and (B)(i) and (iv), the 60-day period between May 20, 2019 and July 19, 2019, as requested by Defendant, shall be excluded from the Speedy Trial calculations. Signed by Judge Amy Totenberg on 5/1/2019. (sap) (Entered: 05/02/2019)
05/01/2019		ORDER DECERTIFYING CASE READY FOR TRIAL as to Allen J. Pendergrass (1). Ruled on by Judge Amy Totenberg on 5/1/2019 in the <u>111</u> Order. (sap) (Entered: 05/02/2019)
05/02/2019		Submission of <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ) and <u>111</u> Order as to Allen J. Pendergrass (1) to Magistrate Judge Catherine M. Salinas. (sap) (Entered: 05/02/2019)
05/06/2019	<u>112</u>	Unopposed MOTION to Travel outside Jurisdiction to Cincinnati, Ohio May 7–10, 2019 by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 05/06/2019)
05/07/2019	<u>113</u>	ORDER TEMPORARILY GRANTING the Defendant's <u>112</u> Unopposed Motion to Travel outside Jurisdiction as to Allen J. Pendergrass (1). See order for more details. Signed by Magistrate Judge Catherine M. Salinas on 5/7/2019. (sap) (Entered: 05/07/2019)
05/07/2019	<u>114</u>	Notice for Leave of Absence for the following date(s): 5/30, 5/31, 6/3, 6/4, 6/5, 6/6, 6/7, 7/29, 7/30, 7/31, 8/1, and 8/2/2019, by Jeffrey Aaron Brown. (Brown,



		Jeffrey) (Entered: 05/07/2019)
05/20/2019	<u>115</u>	MOTION to Modify Conditions of Release by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 05/20/2019)
05/23/2019	<u>116</u>	ORDER GRANTING <u>115</u> Motion to Modify Conditions of Pretrial Release as to Allen J. Pendergrass (1). IT IS HEREBY ORDERED that the defendant be permitted to travel outside of the Northern District of Georgia (to Cincinnati Ohio) for the purpose of visiting his brother. Signed by Magistrate Judge Catherine M. Salinas on 5/23/2019. (btql) (Entered: 05/23/2019)
06/25/2019	<u>117</u>	ORDER as to Allen J. Pendergrass. Pretrial Status Conference set for 7/1/2019 at 02:00 PM before Magistrate Judge Catherine M. Salinas. The time from May 1, 2019, to and until July 1, 2019, is excluded from the Speedy Trial Act computation on the grounds that the additional time is necessary to afford defendant reasonable time for effective preparation, taking into account the exercise of due diligence. Signed by Magistrate Judge Catherine M. Salinas on 6/25/2019. (bnp) (Entered: 06/25/2019)
07/01/2019	<u>118</u>	Minute Entry for proceedings held before Magistrate Judge Catherine M. Salinas: Pretrial Conference as to Allen J. Pendergrass (1) on 07/01/2019. The parties shall have until August 1, 2019 to file any additional motions and the Pretrial Conference is continued for August 7, 2019 at 9:30 a.m. in Courtroom 1810. This extension is necessary for effective preparation. The delay occasioned by this extension shall be considered a period of excludable delay pursuant to 18 U.S.C. § 3161(h)(7)(A) because the court found it needed to allow reasonable time for preparation and also found that the ends of justice served thereby outweigh the interests of the public and the defendant in a speedy trial. The defendant's <u>90</u> Motion to Dismiss for Speedy Trial is TAKEN UNDER ADVISEMENT. (Tape #FTR) (sap) (Entered: 07/01/2019)
07/31/2019	<u>119</u>	Unopposed MOTION to Continue pretrial motions deadline and pretrial conference by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 07/31/2019)
08/01/2019	<u>120</u>	ORDER granting <u>119</u> Motion for Continuance of pretrial motions deadline and pretrial conference as to Allen J. Pendergrass (1). Defendant shall have up to and including September 3, 2019, in which to file any and all pretrial motions. The pretrial conference in this matter is RESCHEDULED for September 6, 2019 at 9:30 a.m. The time in between July 29, 2019 and September 6, 2019 shall be excluded from the Speedy Trial calculations. Signed by Magistrate Judge Catherine M. Salinas on 8/1/19. (bnp) (Entered: 08/01/2019)
08/16/2019	<u>121</u>	Notice for Leave of Absence for the following date(s): September 20, 2019, October 16–21, 2019, November 26–29, 2019, December 23– 27, 2019, and January 30–31, 2020, by Teresa Marie Stolze. (Stolze, Teresa) (Entered: 08/16/2019)
08/27/2019		Documents 122–123 are sealed. (ddm) (Entered: 08/27/2019)
08/30/2019	<u>124</u>	Unopposed MOTION for Extension of Time to File Motions and MOTION to Continue Pretrial Conference by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene). Added MOTION for Extension of Time on 9/3/2019 (bnp). (Entered: 08/30/2019)

09/04/2019	<u>125</u>		ORDER granting <u>124</u> Motion for Extension of Time to File Motions and for Continuance of Pretrial Conference as to Allen J. Pendergrass. Defendant shall have up to and including October 7, 2019, in which to file any and all pretrial motions. The pretrial conference in this matter is RESCHEDULED for October 10, 2019 at 9:30 a.m. The time in between August 30, 2019 and October 10, 2019 shall be excluded from the Speedy Trial calculations. Signed by Magistrate Judge Catherine M. Salinas on 9/4/19. (bnp) (Entered: 09/04/2019)
09/18/2019	<u>126</u>		Notice for Leave of Absence for the following date(s): October 14, 2019 to October 15, 2019, October 18, 2019, November 25, 2019 to November 29, 2019, December 23, 2019 to December 27, 2019, February 17, 2019, March 16, 2019, and April 6, 2019 to April 10, 2019, by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 09/18/2019)
09/26/2019	<u>128</u>		MOTION for Issuance of Rule 17c Subpoena to <i>Fulton County District Attorney's Office</i> by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 09/26/2019)
09/26/2019	<u>129</u>		MOTION for Issuance of Rule 17c Subpoena to <i>Atlanta Police Department</i> by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 09/26/2019)
10/07/2019	<u>130</u>		MOTION for Bill of Particulars by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 10/07/2019)
10/07/2019	<u>131</u>		MOTION to Dismiss Counts Allen J. Pendergrass (1) Count 6 by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 10/07/2019)
10/07/2019	<u>132</u>		MOTION for Reconsideration re <u>52</u> Order on Motion to Suppress Evidence,,,, Order on Report and Recommendation, <u>47</u> Report and Recommendation, Order Certifying Case Ready for Trial by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 10/07/2019)
10/10/2019	<u>133</u>		ORDER granting <u>129</u> Motion for Issuance of Rule 17c Subpoena to Atlanta Police Department as to Allen J. Pendergrass (1). Signed by Magistrate Judge Catherine M. Salinas on 10/10/19. (bnp) (Entered: 10/10/2019)
10/10/2019	<u>134</u>		ORDER granting <u>128</u> Motion for Issuance of Rule 17c Subpoena to Fulton County District Attorney's Office as to Allen J. Pendergrass (1). Signed by Magistrate Judge Catherine M. Salinas on 10/10/19. (bnp) (Entered: 10/10/2019)
10/10/2019	<u>135</u>		Minute Entry for proceedings held before Magistrate Judge Catherine M. Salinas: Pretrial Conference as to Allen J. Pendergrass. <u>90</u> Motion to Dismiss/Speedy Trial TAKEN UNDER ADVISEMENT. Any supplement to the motion by the defendant is to be filed by November 15, 2019. <u>130</u> Motion for Bill of Particulars TAKEN UNDER ADVISEMENT. The Government is to respond to the motion by November 1, 2019. Any reply by the defendant to the governments response is due by November 15, 2019. <u>131</u> Motion to Dismiss Counts DEFERRED. The Government is to respond to the motion by November 1, 2019. Any reply by the defendant to the governments response is due by November 15, 2019. (Tape #FTR) (bnp) (Entered: 10/17/2019)
10/15/2019			ORDER by docket entry only: In light of Defendants change of counsel and the circumstances of such, the Court GRANTS Defendants Motion to Reconsider Order Denying Motion to Suppress Evidence (Doc. 132) and authorizes

		Defendants filing of objections to Courts Order regarding Defendants Motion to Suppress Evidence (Doc. 52) and adopting the underlying Magistrate Judges Report & Recommendation (Doc. 47) in connection with the subject motion (Docs. 26, 40). By Judge Amy Totenberg on 10/15/19. (hfm) (Entered: 10/15/2019)
10/24/2019	<u>136</u>	Notice for Leave of Absence for the following date(s): February 3–7, 2020, May 25–29, 2020, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 10/24/2019)
11/01/2019	<u>137</u>	OBJECTIONS TO <u>47</u> REPORT AND RECOMMENDATION as to Allen J. Pendergrass filed by Allen J. Pendergrass (Durrett, Saraliene) (Entered: 11/01/2019)
11/01/2019	<u>138</u>	RESPONSE in Opposition as to Allen J. Pendergrass, Terrell McQueen filed by USA re <u>130</u> MOTION for Bill of Particulars (Brown, Jeffrey) (Entered: 11/01/2019)
11/01/2019	<u>139</u>	RESPONSE in Opposition as to Allen J. Pendergrass, Terrell McQueen filed by USA re <u>131</u> MOTION to Dismiss Counts Allen J. Pendergrass (1) Count 6 (Brown, Jeffrey) (Entered: 11/01/2019)
11/04/2019	<u>140</u>	Government's Bill of Particulars as to Allen J. Pendergrass, Terrell McQueen by USA. (Brown, Jeffrey) (Entered: 11/04/2019)
11/13/2019	<u>141</u>	Unopposed MOTION to Extend deadline to file supplement to motion (doc. <u>90</u> ) (30 days) by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) Modified on 11/14/2019 to edit event type (bnp). (Entered: 11/13/2019)
11/15/2019	<u>142</u>	ORDER granting <u>141</u> Unopposed Motion for Extension of Time as to Allen J. Pendergrass (1). Defendant shall have up to and including December 16, 2019, in which to file the supplement. The time in between November 13, 2019 and December 16, 2019 shall be excluded from the Speedy Trial calculations. Signed by Magistrate Judge Catherine M. Salinas on 11/15/19. (bnp) (Entered: 11/15/2019)
12/16/2019	<u>143</u>	Supplemental Brief re: <u>90</u> MOTION to Dismiss on Speedy Trial ( <i>Constitutional</i> ) as to Allen J. Pendergrass filed by Allen J. Pendergrass (Attachments: # <u>1</u> Exhibit F Projected Release Date, # <u>2</u> Exhibit G RRC denial, # <u>3</u> Exhibit H Email regarding meeting, # <u>4</u> Exhibit I Fulton email, # <u>5</u> Exhibit J Fulton email, # <u>6</u> Exhibit K APD email, # <u>7</u> Exhibit L Cyber attack email)(Durrett, Saraliene) (Entered: 12/16/2019)
01/21/2020	<u>144</u>	Notice for Leave of Absence for the following date(s): February 3–7, 2020, April 1–3, 2020, May 25–29, 2020, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 01/21/2020)
01/21/2020	<u>145</u>	ORDER as to Allen J. Pendergrass re <u>90</u> MOTION to Dismiss. Oral argument is set for Wednesday, February 5, 2020, at 10 a.m. At that hearing, the government should be prepared to advise the Court regarding: when it learned that Fulton County did not intend to pursue a case against Mr. Pendergrass; the date that that government received the file from the state law enforcement officers; and whether the government was aware in November 2016 that Mr. Pendergrass would not be allowed to go to a halfway house because of pending

		charges in the Fulton County. Both sides should be prepared to address whether any court has done what Mr. Pendergrass asks this Court to do, i.e., determine that his Sixth Amendment speedy trial rights attached at the time he was arrested by state law enforcement officers on state charges. Counsel should also be prepared to discuss the Fifth Amendment due process issues, particularly the caselaw cited in the briefs. Signed by Magistrate Judge Catherine M. Salinas on 1/21/2020. (bnp) (Entered: 01/21/2020)
01/22/2020	<u>146</u>	NON-FINAL REPORT AND RECOMMENDATION as to Allen J. Pendergrass: RECOMMENDING that Defendant's <u>131</u> motion to dismiss Count Six be DENIED. Signed by Magistrate Judge Catherine M. Salinas on 1/22/2020. (bnp) (Entered: 01/22/2020)
01/22/2020		ORDER as to Allen J. Pendergrass (1): Defendant's <u>73</u> Amended Motion for 404(b) Information is DEFERRED to the district judge. Defendant's <u>130</u> motion for a bill of particulars is DENIED. Ruled on by Magistrate Judge Catherine M. Salinas on 1/22/2020 within the <u>146</u> R&R. (bnp) (Entered: 01/22/2020)
01/22/2020	<u>147</u>	ORDER for Service of <u>146</u> Report and Recommendation by Magistrate Judge Catherine M. Salinas as to Allen J. Pendergrass. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge Catherine M. Salinas on 1/22/2020. (bnp) (Entered: 01/22/2020)
02/10/2020		Submission of <u>146</u> REPORT AND RECOMMENDATION as to Allen J. Pendergrass to District Judge Amy Totenberg. (bnp) (Entered: 02/10/2020)
02/12/2020	<u>148</u>	ORDER adopting the <u>146</u> Report and Recommendation as to Allen J. Pendergrass (1) as the opinion of this Court. For the reasons stated in the Magistrate Judge's Report and Recommendation, the Court DENIES Defendant's <u>131</u> Motion to Dismiss Count Six. Signed by Judge Amy Totenberg on 2/12/2020. (bnp) (Entered: 02/12/2020)
02/13/2020	<u>149</u>	ORDER as to Allen J. Pendergrass. For good cause shown, the oral argument on the defendant's <u>90</u> motion to dismiss is rescheduled to February 26, 2020, at 10:00 a.m. The time from February 5, 2020, to and until February 26, 2020, is excluded from the Speedy Trial Act computation Signed by Magistrate Judge Catherine M. Salinas on 2/13/2020. (bnp) (Entered: 02/13/2020)
02/24/2020	<u>150</u>	Notice for Leave of Absence for the following date(s): April 1–6, 2020, April 10–12, 2020, April 28, 2020 – May 11, 2020, June 30, 2020 – July 6, 2020, September 28, 2020 – October 2, 2020, November 23–27, 2020, by Teresa Marie Stolze. (Stolze, Teresa) (Entered: 02/24/2020)
02/26/2020	<u>151</u>	Minute Entry for proceedings held before Magistrate Judge Catherine M. Salinas: Motion Hearing as to Allen J. Pendergrass (1). <u>90</u> Motion to Dismiss/Speedy Trial TAKEN UNDER ADVISEMENT. (Court Reporter Andy Ashley) (bnp) (Entered: 02/26/2020)
03/16/2020	<u>152</u>	FINAL REPORT AND RECOMMENDATION as to Allen J. Pendergrass. The Court recommends that Pendergrass's <u>90</u> Motion to Dismiss Indictment be DENIED. Signed by Magistrate Judge Catherine M. Salinas on 3/16/2020. (bnp) (Entered: 03/16/2020)

03/16/2020			ORDER CERTIFYING CASE READY FOR TRIAL as to Allen J. Pendergrass. Ruled on by Magistrate Judge Catherine M. Salinas on 3/16/2020 within the <u>152</u> R&R. (bnp) (Entered: 03/16/2020)
03/16/2020	<u>153</u>		ORDER for Service of <u>152</u> Report and Recommendation by Magistrate Judge Catherine M. Salinas as to Allen J. Pendergrass. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge Catherine M. Salinas on 3/16/2020. (bnp) (Entered: 03/16/2020)
03/17/2020	<u>154</u>		NOTICE OF ATTORNEY APPEARANCE Tracia M. King appearing for USA. (King, Tracia) (Entered: 03/17/2020)
03/23/2020	<u>155</u>		General Order 20–01 re: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 3/16/2020. (bnp) (Entered: 03/23/2020)
03/30/2020	<u>156</u>		OBJECTIONS TO <u>152</u> REPORT AND RECOMMENDATION as to Allen J. Pendergrass filed by Allen J. Pendergrass (Durrett, Saraliene) (Entered: 03/30/2020)
04/01/2020	<u>157</u>		Amended General Order 20–01 re COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 3/30/20. as to Allen J. Pendergrass, Terrell McQueen (rvb) (ADI) (Entered: 04/01/2020)
04/03/2020			Submission of <u>152</u> REPORT AND RECOMMENDATION as to Allen J. Pendergrass to District Judge Amy Totenberg. (bnp) (Entered: 04/03/2020)
04/10/2020	<u>158</u>		TRANSCRIPT of the Motion Hearing Proceedings as to Allen J. Pendergrass held on February 26, 2020, before Judge Catherine M. Salinas. Court Reporter/Transcriber Andy Ashley. A full directory of court reporters and their contact information can be found at <a href="http://www.gand.uscourts.gov/directory-court-reporters">www.gand.uscourts.gov/directory-court-reporters</a> . Redaction Request due 5/1/2020. Redacted Transcript Deadline set for 5/11/2020. Release of Transcript Restriction set for 7/9/2020. (Attachments: # <u>1</u> Notice of Filing of Official Transcript) (kac) (Entered: 04/10/2020)
05/04/2020	<u>159</u>		SECOND AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 4/30/2020. (bnp) (Entered: 05/04/2020)
05/26/2020	<u>160</u>		THIRD AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 5/26/2020. (bnp) (Entered: 05/26/2020)



06/10/2020	<u>161</u>		Notice for Leave of Absence for the following date(s): September 28–30, 2020, October 7–9, 2020, November 10–13, 2020, November 23–30, 2020, December 1, 2020, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 06/10/2020)
07/01/2020	<u>162</u>		FOURTH AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 7/1/2020. (bnp) (Entered: 07/01/2020)
07/13/2020	<u>163</u>		FIFTH AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 7/10/2020. (bnp) (Entered: 07/13/2020)
08/04/2020	<u>164</u>		SIXTH AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 8/3/2020. (bnp) (Entered: 08/04/2020)
08/17/2020	<u>165</u>		MOTION to Modify Conditions of Release <i>for travel outside the district August 20–24, 2020</i> by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 08/17/2020)
08/18/2020			Submission of <u>165</u> MOTION to Modify Conditions of Release <i>for travel outside the district August 20–24, 2020</i> as to Allen J. Pendergrass to Magistrate Judge Catherine M. Salinas. (bnp) (Entered: 08/18/2020)
08/21/2020	<u>166</u>		ORDER granting <u>165</u> Motion to Modify Conditions of Release as to Allen J. Pendergrass (1). Signed by Magistrate Judge Catherine M. Salinas on 8/21/2020. (bnp) (Entered: 08/21/2020)
09/02/2020	<u>167</u>		SEVENTH AMENDMENT TO GENERAL ORDER 20–01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID19 AND RELATED CORONA VIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 09/01/20. (aaq) (Entered: 09/02/2020)
09/29/2020	<u>168</u>		EIGHTH AMENDED ORDER IN RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID–19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 9/28/20. (rlb) (Entered: 09/29/2020)
10/08/2020	<u>169</u>		Notice for Leave of Absence for the following date(s): November 23, 2020 through November 27, 2020, December 21, 2020 through January 1, 2020, by Tracia M. King. (King, Tracia) (Entered: 10/08/2020)

10/22/2020	<u>170</u>		NOTICE OF FILING Withdrawal of Counsel as to Allen J. Pendergrass, Terrell McQueen filed by USA (Stolze, Teresa) (Entered: 10/22/2020)
12/08/2020	<u>171</u>		NINTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act as to Allen J. Pendergrass, Terrell McQueen Signed by Judge Thomas W. Thrash, Jr. on 12/8/20. (rlb) (Entered: 12/08/2020)
01/15/2021	<u>172</u>		Notice for Leave of Absence for the following date(s): May 28, 2021; May 31, 2021; June 1-4, 2021; July 2-7, 2021, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 01/15/2021)
01/27/2021	<u>173</u>		TENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 01/27/2021. Signed by Judge Thomas W. Thrash, Jr. on 1/27/21. (rlb) (Entered: 01/27/2021)
03/01/2021	<u>174</u>		Notice for Leave of Absence for the following date(s): April 5-9, 2021, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 03/01/2021)
03/10/2021	<u>175</u>		ELEVENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. The time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. Signed by Judge Thomas W. Thrash, Jr. on 3/9/21. (rlb) (Entered: 03/10/2021)
03/23/2021	<u>176</u>		Notice for Leave of Absence for the following date(s): April 12, 2021 through April 16, 2021, by Tracia M. King. (King, Tracia) (Entered: 03/23/2021)
05/04/2021	<u>177</u>		ORDER as to Allen J. Pendergrass (1): The Court ADOPTS the Magistrate Judge's R&R <u>152</u> and DENIES Defendant's Motion to Dismiss Indictment <u>90</u> . The Court sets the trial date for defendant Allen J. Pendergrass to begin on August 30, 2021, at 9:30 AM in Courtroom 2308. Voir dire will be held on Friday, August 27, 2021, at 9:30 in Courtroom 2306. The pretrial conference is set for August 18, 2021, at 10:30 AM in Courtroom 2308. By July 14, 2021, the parties are to file any motions in limine and proposed voir dire questions. By July 14, 2021, the Government is to file a summary of the indictment for use in voir dire. By July 28, 2021, the parties are to file any objections to those items listed above. The time from May 4, 2021, to August 30, 2021, shall be excluded from computation under the Speedy Trial Act. Signed by Judge Amy Totenberg on 5/4/21. (rlb) (Entered: 05/04/2021)
06/15/2021	<u>178</u>		Notice for Leave of Absence for the following date(s): June 18, 2021 and from June 23, 2021 through June 25, 2021, by Tracia M. King. (King, Tracia) (Entered: 06/15/2021)
06/15/2021	<u>179</u>		Notice for Leave of Absence for the following date(s): September 27-October 1, 2021; November 8-11, 2021, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 06/15/2021)



06/15/2021	<u>180</u>		Notice for Leave of Absence for the following date(s): September 27–October 1, 2021; November 8–11, 2021, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 06/15/2021)
06/29/2021	<u>181</u>		Notice for Leave of Absence for the following date(s): July 14–20, 2021 and August 12–16, 2021, by Teresa Marie Stolze. (Stolze, Teresa) Modified on 6/29/2021 to edit text (rlb). (Entered: 06/29/2021)
06/29/2021	<u>182</u>		NOTICE OF FILING WITHDRAWAL OF COUNSEL as to Allen J. Pendergrass, Terrell McQueen filed by USA (Stolze, Teresa) (Entered: 06/29/2021)
07/14/2021	<u>183</u>		MOTION to Continue trial date( <i>opposition is unknown</i> ) by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 07/14/2021)
08/03/2021			Submission of <u>183</u> MOTION to Continue trial date( <i>opposition is unknown</i> ) as to Allen J. Pendergrass, to District Judge Amy Totenberg. (rlb) (Entered: 08/03/2021)
10/12/2021	<u>185</u>		ORDER as to Allen J. Pendergrass. The Court hereby sets the trial date for defendant Allen J. Pendergrass to begin on Monday, November 29, 2021, at 9:30 AM in Courtroom 2308, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia. The pretrial conference is set for Wednesday, November 17, 2021, at 10:30 AM in Courtroom 2308. SEE ORDER FOR ADDITIONAL DEADLINES AND DIRECTIONS. The time from October 12, 2021, to November 29, 2022, shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv). Signed by Judge Amy Totenberg on 10/12/2021. (tcc) (Entered: 10/12/2021)
10/19/2021			Documents 186–187 are sealed. (jpa) (Entered: 10/19/2021)
10/20/2021	<u>188</u>		Notice for Leave of Absence for the following date(s): 11/4/2021, 11/22/2021 through 11/26/2021, 12/18/2021 through 12/29/2021, 1/14/2022, 4/4/2022 through 4/8/2022, 5/26/2022 through 5/27/2022, 6/13/2022, and 7/4/2022 through 7/8/2022, by Jeffrey Aaron Brown. (Brown, Jeffrey) (Entered: 10/20/2021)
10/26/2021	<u>190</u>		MOTION in Limine to exclude evidence and for other rulings prior to trial by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 10/26/2021)
10/26/2021	<u>191</u>		RESPONSE in Opposition as to Allen J. Pendergrass filed by Allen J. Pendergrass re <u>73</u> Amended MOTION for (404b) Information of defendant or any co–defendant , <u>71</u> MOTION in Limine (Durrett, Saraliene) (Entered: 10/26/2021)
10/26/2021	<u>192</u>		MOTION to Conduct Voir Dire and to Show Video <i>regarding Implicit Bias</i> by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit Proposed Instructions) (Durrett, Saraliene) Modified to edit text on 10/27/2021 (ceo). (Entered: 10/26/2021)
10/26/2021	<u>193</u>		Proposed Voir Dire Questions as to Allen J. Pendergrass (Durrett, Saraliene) (Entered: 10/26/2021)
10/27/2021	<u>194</u>		NOTICE of Intent to Offer Business Records Pursuant to FRE 902(11) as to Allen J. Pendergrass filed by USA (Brown, Jeffrey) (Entered: 10/27/2021)

11/02/2021			Documents 195–201 are sealed. (cmd) (Entered: 11/02/2021)
11/09/2021			Documents 202–210 are sealed. (jpa) (Entered: 11/09/2021)
11/09/2021	<u>211</u>		RESPONSE in Opposition as to Allen J. Pendergrass filed by USA re <u>190</u> MOTION in Limine to exclude evidence and for other rulings prior to trial (Brown, Jeffrey) (Entered: 11/09/2021)
11/09/2021	<u>212</u>		Government's Response in Opposition to <u>192</u> Defendant's Proposed Voir Dire Questions on Racial Bias and Request to Show Video and to Conduct Voir Dire on This Issue as to Allen J. Pendergrass filed by USA (Brown, Jeffrey) Modified on 11/10/2021 to edit text (rlh). (Entered: 11/09/2021)
11/09/2021	<u>213</u>		Defendant's Response to <u>194</u> Notice of Intent to Proceed by Business Records as to Allen J. Pendergrass filed by Allen J. Pendergrass (Attachments: # <u>1</u> Exhibit Wells Fargo certification, # <u>2</u> Exhibit 2018 Postal Service Certification, # <u>3</u> Exhibit 2021 Postal Service Certification, # <u>4</u> Exhibit Suntrust Bank Certification)(Durrett, Saraliene) Modified on 11/10/2021 to edit text (rlh). (Entered: 11/09/2021)
11/12/2021			Document 215 is sealed. (bgt) (Entered: 11/12/2021)
11/12/2021	<u>216</u>		Proposed Voir Dire Questions as to Allen J. Pendergrass by USA. (Brown, Jeffrey) (Entered: 11/12/2021)
11/15/2021	<u>217</u>		Supplemental Motion in Limine filed by Allen J. Pendergrass (Durrett, Saraliene) Modified on 11/16/2021 to correct docket text (adg). (Entered: 11/15/2021)
11/15/2021	<u>218</u>		MOTION to permit property and technology in the courthouse by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) Modified on 11/16/2021 (adg). (Entered: 11/15/2021)
11/15/2021	<u>219</u>		Notice for Leave of Absence for the following date(s): January 14, 2022, February 21– March 1, 2022, April 4–8, 2022, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 11/15/2021)
11/15/2021			Document 220 is sealed. (rjc) (Entered: 11/16/2021)
11/16/2021	<u>221</u>		ORDER granting <u>218</u> Motion to Bring Audio/Visual/Electronic Equipment and boxes of trial documents in the Courtroom on 11/29/2021 through the end of trial as to Allen J. Pendergrass (1). Signed by Judge Amy Totenberg on 11/16/2021. (adg) (Entered: 11/16/2021)
11/16/2021			Submission of <u>190</u> MOTION in Limine to exclude evidence and for other rulings prior to trial , <u>192</u> MOTION to Allow Participation in Voir Dire <i>regarding Implicit Bias and to Play Video</i> , <u>217</u> Supplemental Motion in Limine as to Allen J. Pendergrass, to District Judge Amy Totenberg. (adg) (Entered: 11/16/2021)
11/17/2021	<u>222</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Pretrial Conference as to Allen J. Pendergrass. (Court Reporter Shannon Welch) (adg) (Entered: 11/17/2021)
11/18/2021			Document 214 is sealed. (cmd) (Entered: 11/18/2021)
11/18/2021			Document 224 is sealed. (bgt) (Entered: 11/19/2021)

11/19/2021			Documents 225–226 are sealed. (jpa) (Entered: 11/19/2021)
11/19/2021	<u>227</u>		ORDER granting in part and denying in part <u>71</u> Motion in Limine as to Allen J. Pendergrass (1); granting in part and denying in part <u>73</u> Motion for Information Regarding Prior Crimes, Wrongs, and Bad Acts(404b). as to Allen J. Pendergrass (1. Signed by Judge Amy Totenberg on 11/19/2021. (amb) (Entered: 11/19/2021)
11/23/2021	<u>228</u>		TRANSCRIPT of Pretrial Conference Proceedings as to Allen J. Pendergrass held on 11/17/2021, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at <a href="http://www.gand.uscourts.gov/directory-court-reporters">www.gand.uscourts.gov/directory-court-reporters</a> . Redaction Request due 12/14/2021. Redacted Transcript Deadline set for 12/27/2021. Release of Transcript Restriction set for 2/22/2022. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 11/23/2021)
11/24/2021	<u>229</u>		Proposed Jury Instructions as to Allen J. Pendergrass (Durrett, Saraliene) (Entered: 11/24/2021)
11/24/2021	<u>230</u>		Proposed Special Verdict Form as to Allen J. Pendergrass (Durrett, Saraliene) (Entered: 11/24/2021)
11/24/2021	<u>238</u>		Return of Service Unexecuted re Joseph Outland as to Allen J. Pendergrass (rlh) (Entered: 11/29/2021)
11/24/2021	<u>239</u>		Return of Service Executed on 11/18/2021 re Earl Glenn as to Allen J. Pendergrass (rlh) (Entered: 11/29/2021)
11/27/2021	<u>232</u>		Amended Proposed Special Verdict Form as to Allen J. Pendergrass (Durrett, Saraliene) (Entered: 11/27/2021)
11/27/2021	<u>233</u>		NOTICE OF FILING notice of intent to object to business records containing double hearsay as to Allen J. Pendergrass, Terrell McQueen filed by Allen J. Pendergrass (Durrett, Saraliene) (Entered: 11/27/2021)
11/27/2021	<u>234</u>		NOTICE OF FILING CORRECTED notice of intent to object to business records containing double hearsay as to Allen J. Pendergrass (Attachments: # <u>1</u> Exhibit Post Office Box Application)(Durrett, Saraliene) (Entered: 11/27/2021)
11/27/2021	<u>235</u>		MOTION for Reconsideration re <u>227</u> Order on Motion in Limine,, Order on Motion for Information Regarding Prior Crimes, Wrongs, and Bad Acts(404b)., by Allen J. Pendergrass. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit) (Durrett, Saraliene) (Entered: 11/27/2021)
11/28/2021	<u>236</u>		Requests to Charge as to Allen J. Pendergrass, Terrell McQueen filed by USA (Brown, Jeffrey) (Entered: 11/28/2021)
11/28/2021	<u>237</u>		Proposed Special Verdict Form as to Allen J. Pendergrass, Terrell McQueen filed by USA (Brown, Jeffrey) (Entered: 11/28/2021)
11/29/2021	<u>240</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Jury Trial as to Allen J. Pendergrass began on 11/29/2021. Jury Selection Only, continued. (Court Reporter Shannon Welch) (adg) (Entered: 11/30/2021)
11/30/2021	<u>242</u>		Minute Entry for proceedings held before Judge Amy Totenberg: Jury Trial as to Allen J. Pendergrass continued on 11/30/2021. Witnesses sworn and

		testified; Government Exhibits 1–6, 7, 11 through 18, 19A, 19B, 19C, 19D, 20 admitted. Hearing not concluded. Exhibits retained to be forwarded to the Clerks Office. (Court Reporter Shannon Welch) (adg) (Entered: 12/01/2021)
11/30/2021	<u>252</u>	Government's WITNESS LIST as to Allen J. Pendergrass filed by USA. (ceo) (Entered: 12/07/2021)
11/30/2021	<u>253</u>	Government EXHIBIT LIST as to Allen J. Pendergrass filed by USA (ceo) (Entered: 12/07/2021)
11/30/2021	<u>254</u>	Updated EXHIBIT LIST as to Allen J. Pendergrass (ceo) (Entered: 12/07/2021)
12/01/2021	<u>244</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Jury Trial held as to Allen J. Pendergrass held on 12/1/2021. In Camera Voir Dire of Govt. witness Michael Cohen. Witness sworn. Government Case In Chief continues. Michael Cohen sworn and testified. Terrell McQueen sworn and testified. Hearing not concluded. Court adjourned and will reconvene at 09:30 AM on Thursday, December 2, 2021. Exhibits retained to be forwarded to the Clerks Office. (Court Reporter Shannon Welch) (ceo) (Entered: 12/02/2021)
12/02/2021	<u>243</u>	Notice for Leave of Absence for the following date(s): December 13, 2021 through December 24, 2021, by Tracia M. King. (King, Tracia) (Entered: 12/02/2021)
12/02/2021	<u>248</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Jury Trial as to Allen J. Pendergrass held on 12/2/2021. Testimony of Terrell McQueen continues. Government Exhibit 31, 40, 41, 46 admitted. Defendant Exhibits 7c, 7d, 10, 12a, 21, 25, 32, 35, 36, 37, 39 admitted. Wesley Cooper sworn and testified. Government Exhibit 21, 23, 24, 26 admitted. Government rests Case in Chief. Defendant Oral Motion for Acquittal taken under advisement. Defense Case In Chief. Jane Holms sworn and testified. Hearing not concluded. Court adjourned and will reconvene at 09:00 AM on Friday, December 3, 2021. Jurors excused until the above time under the usual caution of the Court. Exhibits retained to be forwarded to the Clerks Office. (Court Reporter Shannon Welch) (bgt) (Entered: 12/03/2021)
12/02/2021		ORAL MOTION for Judgment of Acquittal (found in <u>248</u> minutes) by Allen J. Pendergrass. (bgt) (Entered: 12/03/2021)
12/03/2021	<u>245</u>	Defendant's Supplemental Request to Charge as to Allen J. Pendergrass (Durrett, Saraliene) Modified on 12/6/2021 to add text (rlh). (Entered: 12/03/2021)
12/03/2021	<u>246</u>	Third Proposed Special Verdict Form as to Allen J. Pendergrass ( <i>Previously submitted by email</i> ) (Durrett, Saraliene) (Entered: 12/03/2021)
12/03/2021	<u>247</u>	Supplemental Brief re: <u>246</u> Proposed Special Verdict Form as to Allen J. Pendergrass filed by USA (Brown, Jeffrey) (Entered: 12/03/2021)
12/03/2021	<u>249</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Jury Trial as to Allen J. Pendergrass held on 12/3/2021. Charge Conference held. Defense renews Oral Motion for Judgment of Acquittal – DENIED. Defendant rests Case in Chief. Closing Arguments. Jury Deliberations begin. Jury Verdict. <u>190</u> Motion in Limine, <u>192</u> Motion to Allow Participation in Voir Dire, <u>217</u> Motion in Limine, and <u>235</u> Motion for Reconsideration TERMINATED. (Exhibits

		retained to be forwarded to the Clerks Office.) (Court Reporter Shannon Welch) (rlh) (Entered: 12/06/2021)
12/03/2021	<u>250</u>	JURY VERDICT as to Allen J. Pendergrass (1) Guilty on Count 1–5,6,7–10. (ceo) (Entered: 12/07/2021)
12/03/2021	<u>251</u>	NOTICE OF SENTENCING Set as to Allen J. Pendergrass: Sentencing set for 3/10/2022 at 02:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. (ceo) (Entered: 12/07/2021)
12/07/2021	<u>255</u>	Defendant's Exhibits Audio/Video admitted and retained at the <u>240</u> Jury Trial, <u>242</u> Jury Trial, <u>244</u> Jury Trial, <u>248</u> Jury Trial, <u>249</u> Jury Trial, as to Allen J. Pendergrass have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit DE #10)(ceo) (Entered: 12/07/2021)
12/08/2021	<u>256</u>	Defendant's EXHIBITS admitted and retained at the <u>240</u> Jury Trial, <u>242</u> Jury Trial, <u>244</u> Jury Trial, <u>248</u> Jury Trial, <u>249</u> Jury Trial as to Allen J. Pendergrass have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit DE #7C, # <u>2</u> Exhibit DE #7D, # <u>3</u> Exhibit DE #9C, # <u>4</u> Exhibit DE #10E, # <u>5</u> Exhibit DE #12A, # <u>6</u> Exhibit DE #21, # <u>7</u> Exhibit DE #21A, # <u>8</u> Exhibit DE #21B, # <u>9</u> Exhibit DE #22C, # <u>10</u> Exhibit DE #25, # <u>11</u> Exhibit DE #32, # <u>12</u> Exhibit DE #33, # <u>13</u> Exhibit DE #35, # <u>14</u> Exhibit DE #36, # <u>15</u> Exhibit DE #37, # <u>16</u> Exhibit DE #39)(ceo) (Entered: 12/08/2021)
12/08/2021	<u>257</u>	NOTICE TO COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>256</u> Exhibits. (ceo) (Entered: 12/08/2021)
12/08/2021	<u>258</u>	Government EXHIBITS admitted and retained at the <u>240</u> Jury Trial, <u>242</u> Jury Trial, <u>244</u> Jury Trial, <u>248</u> Jury Trial, <u>249</u> Jury Trial as to Allen J. Pendergrass have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # <u>1</u> Exhibit GE #1, # <u>2</u> Exhibit GE #2, # <u>3</u> Exhibit GE #3, # <u>4</u> Exhibit GE #4, # <u>5</u> Exhibit GE #5, # <u>6</u> Exhibit GE #6, # <u>7</u> Exhibit GE #7, # <u>8</u> Exhibit GE #9, # <u>9</u> Exhibit GE #10, # <u>10</u> Exhibit GE #11, # <u>11</u> Exhibit GE #12, # <u>12</u> Exhibit GE #13, # <u>13</u> Exhibit GE #14, # <u>14</u> Exhibit GE #15, # <u>15</u> Exhibit GE #16, # <u>16</u> Exhibit GE #17, # <u>17</u> Exhibit GE #18, # <u>18</u> Exhibit GE #19A, # <u>19</u> Exhibit GE #19B, # <u>20</u> Exhibit GE #19C, # <u>21</u> Exhibit GE #19D, # <u>22</u> Exhibit GE #20 (PART 1), # <u>23</u> Exhibit GE #20 (PART 2), # <u>24</u> Exhibit GE #21, # <u>25</u> Exhibit GE #22, # <u>26</u> Exhibit GE #23, # <u>27</u> Exhibit GE #24, # <u>28</u> Exhibit GE #25, # <u>29</u> Exhibit GE #26, # <u>30</u> Exhibit GE #31, # <u>31</u> Exhibit GE #32, # <u>32</u> Exhibit GE #34, # <u>33</u> Exhibit GE #35, # <u>34</u> Exhibit GE #36, # <u>35</u> Exhibit GE #37, # <u>36</u> Exhibit GE #38, # <u>37</u> Exhibit GE #39, # <u>38</u> Exhibit GE #40, # <u>39</u> Exhibit GE #41, # <u>40</u> Exhibit GE #42, # <u>41</u> Exhibit GE #43, # <u>42</u> Exhibit GE #44, # <u>43</u> Exhibit GE #46)(ceo) (Entered: 12/08/2021)
12/08/2021	<u>259</u>	NOTICE TO COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: <u>258</u> Exhibits.(ceo) (Entered: 12/08/2021)
12/08/2021	<u>260</u>	ORDER MODIFYING Conditions of Bond as to Allen J. Pendergrass. SEE ORDER FOR MODIFIED CONDITIONS. It is ORDERED that the Clerk serve a copy of this order modifying conditions of bond upon Defendant, the Probation Officer of the Court, the United States Attorney, and the United



		States Marshal. Signed by Judge Amy Totenberg on 12/8/2021. (tcc) (Entered: 12/09/2021)
12/10/2021	<u>261</u>	Opposed MOTION for Extension of Time to file Rule 29 or Rule 33 motion by Allen J. Pendergrass. (Durrett, Saraliene) Modified on 12/13/2021 to edit text (rlh). (Entered: 12/10/2021)
12/14/2021		ORDER, by docket entry only, granting <u>261</u> Motion for Extension of Time, through and including, 30 days beyond the completion of trial transcripts to file any post-trial motion in this case as to Allen J. Pendergrass (1). Entered by Judge Amy Totenberg on 12/14/21. (hfm) (Entered: 12/14/2021)
12/22/2021	<u>262</u>	Notice for Leave of Absence for the following date(s): December 27, 2021 through December 31, 2021, by Tracia M. King. (King, Tracia) (Entered: 12/22/2021)
01/20/2022	<u>263</u>	TRANSCRIPT of Jury Trial (Volume I of IV) Proceedings as to Allen J. Pendergrass held on 11/30/2021, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at <a href="http://www.gand.uscourts.gov/directory-court-reporters">www.gand.uscourts.gov/directory-court-reporters</a> . Redaction Request due 2/10/2022. Redacted Transcript Deadline set for 2/22/2022. Release of Transcript Restriction set for 4/20/2022. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 01/20/2022)
01/20/2022	<u>264</u>	TRANSCRIPT of Jury Trial (Volume II of IV) Proceedings as to Allen J. Pendergrass held on 12/1/2021, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at <a href="http://www.gand.uscourts.gov/directory-court-reporters">www.gand.uscourts.gov/directory-court-reporters</a> . Redaction Request due 2/10/2022. Redacted Transcript Deadline set for 2/22/2022. Release of Transcript Restriction set for 4/20/2022. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 01/20/2022)
01/20/2022	<u>265</u>	TRANSCRIPT of Jury Trial (Volume III of IV) Proceedings as to Allen J. Pendergrass held on 12/2/2021, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at <a href="http://www.gand.uscourts.gov/directory-court-reporters">www.gand.uscourts.gov/directory-court-reporters</a> . Redaction Request due 2/10/2022. Redacted Transcript Deadline set for 2/22/2022. Release of Transcript Restriction set for 4/20/2022. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 01/20/2022)
01/20/2022	<u>266</u>	TRANSCRIPT of Jury Trial (Volume IV of IV) Proceedings as to Allen J. Pendergrass held on 12/3/2021, before Judge Amy Totenberg. Court Reporter/Transcriber Shannon R. Welch, RMR, CRR. A full directory of court reporters and their contact information can be found at <a href="http://www.gand.uscourts.gov/directory-court-reporters">www.gand.uscourts.gov/directory-court-reporters</a> . Redaction Request due 2/10/2022. Redacted Transcript Deadline set for 2/22/2022. Release of Transcript Restriction set for 4/20/2022. (Attachments: # <u>1</u> Notice of Filing) (srw) (Entered: 01/20/2022)
01/28/2022		Defendant's documentary exhibits <u>256</u> from the Jury Trial held November 29, 2021, through December 3, 2021, as to Allen J. Pendergrass were destroyed as directed in <u>257</u> Exhibit Return Notification (mec) (Entered: 01/28/2022)

01/28/2022			Plaintiff's documentary exhibits <u>258</u> from the Jury Trial held November 29, 2021, through December 3, 2021, as to Allen J. Pendergrass were destroyed as directed in <u>259</u> Exhibit Return Notification (mec) (Entered: 01/28/2022)
02/21/2022	<u>267</u>		RENEWED MOTION for Judgment of Acquittal <i>as to counts 1,2,3,6, 7, and 8</i> by Allen J. Pendergrass. (Durrett, Saraliene) Modified on 2/28/2022 to correct docket text to reflect e-filed document. (adg). (Entered: 02/21/2022)
02/21/2022	<u>268</u>		MOTION for New Trial by Allen J. Pendergrass. (Durrett, Saraliene) (Entered: 02/21/2022)
02/28/2022			Notification of Docket Correction re <u>267</u> Renewed MOTION for Judgment of Acquittal <i>as to counts 1,2,3,6, 7, and 8</i> . Modified on 2/28/2022 to correct docket text to reflect e-filed document. (adg) (Entered: 02/28/2022)
02/28/2022			Submission of <u>267</u> Renewed MOTION for Judgment of Acquittal <i>as to counts 1,2,3,6, 7, and 8</i> , <u>268</u> MOTION for New Trial as to Allen J. Pendergrass, to District Judge Amy Totenberg. (adg) (Entered: 02/28/2022)
02/28/2022			Document 271 is sealed. (cmd) (Entered: 02/28/2022)
02/28/2022	<u>272</u>		(DOCUMENT FILED IN ERROR) Minute Entry for proceedings held before Judge Amy Totenberg: Sentencing hearing held as to Allen J. Pendergrass. Defendant sentenced as to Count 8. (Court Reporter Shannon Welch) (adg) Modified on 2/28/2022 (adg). (Entered: 02/28/2022)
02/28/2022			Notification of Docket Correction re <u>272</u> Sentencing. (DOCUMENT FILED IN ERROR) (adg) (Entered: 02/28/2022)
03/02/2022	<u>274</u>		Unopposed MOTION to Continue sentencing date by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 03/02/2022)
03/03/2022			ORDER, by docket entry only, granting <u>274</u> Motion for Continuance of Sentencing Hearing as to Allen J. Pendergrass (1). Sentencing re-set for 3/31/2022 at 02:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. Entered by Judge Amy Totenberg on 3/3/22. (hfm) (Entered: 03/03/2022)
03/18/2022	<u>276</u>		RESPONSE as to Allen J. Pendergrass filed by USA re: <u>267</u> MOTION to Alter Judgment Renewed MOTION for Judgment of Acquittal <i>as to counts 1,2,3,6, 7, and 8</i> (King, Tracia) (Entered: 03/18/2022)
03/18/2022	<u>277</u>		RESPONSE as to Allen J. Pendergrass filed by USA re: <u>268</u> MOTION for New Trial (King, Tracia) (Entered: 03/18/2022)
03/18/2022			Submission of <u>267</u> MOTION to Alter Judgment Renewed MOTION for Judgment of Acquittal <i>as to counts 1,2,3,6, 7, and 8</i> , <u>268</u> MOTION for New Trial as to Allen J. Pendergrass, to District Judge Amy Totenberg. (hfm) (Entered: 03/18/2022)
03/21/2022			NOTICE RESCHEDULING SENTENCING HEARING by docket entry only as to Allen J. Pendergrass. Sentencing re-set for 5/3/2022 at 02:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. (hfm) (Entered: 03/21/2022)
04/18/2022	<u>278</u>		



		Notice for Leave of Absence for the following date(s): July 21–22, 2022, July 29, 2022, August 1–5, 2022, August 8, 2022, September 25–30, 2022, by Saraliene Durrett. (Durrett, Saraliene) (Entered: 04/18/2022)
04/19/2022	<u>279</u>	Notice for Leave of Absence for the following date(s): June 10–17, 2022, July 1–5, 2022, October 21–23, 2022, November 23–25, 2022, December 23, 2022– January 3, 2023, by Sydney Rene Strickland. (Strickland, Sydney) (Entered: 04/19/2022)
04/21/2022	<u>280</u>	Unopposed MOTION to Continue sentencing date by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order) (Durrett, Saraliene) (Entered: 04/21/2022)
04/22/2022		ORDER, by docket entry only, granting <u>280</u> Motion for Continuance of Sentencing Hearing as to Allen J. Pendergrass (1). Sentencing re–set for 6/23/2022 at 02:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. Entered by Judge Amy Totenberg on 4/22/22. (hfm) (Entered: 04/22/2022)
05/31/2022	<u>281</u>	MOTION to Travel outside Jurisdiction to Indianapolis, IN to attend a funeral June 2–4, 2022 by Allen J. Pendergrass. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Obituary) (Durrett, Saraliene) (Entered: 05/31/2022)
05/31/2022	<u>282</u>	ORDER GRANTING <u>281</u> Motion to Travel outside Jurisdiction as to Allen J. Pendergrass (1) with conditions. Signed by Judge Amy Totenberg on 5/31/22. (jpa) (Entered: 05/31/2022)
06/08/2022	<u>283</u>	Unopposed MOTION to Continue sentencing hearing by Allen J. Pendergrass. (Strickland, Sydney) (Entered: 06/08/2022)
06/10/2022		ORDER, by docket entry only, granting <u>283</u> Motion for Continuance of Sentencing Hearing as to Allen J. Pendergrass (1). Sentencing re–set for 8/24/2022 at 02:30 PM in ATLA Courtroom 2308 before Judge Amy Totenberg. Entered by Judge Amy Totenberg on 6/10/22. (hfm) (Entered: 06/10/2022)
06/21/2022	<u>284</u>	Notice for Leave of Absence for the following date(s): July 11, 2022 through July 15, 2022, by Tracia M. King. (King, Tracia) (Entered: 06/21/2022)
06/30/2022	<u>285</u>	ORDER DENYING the <u>267</u> Motion for Judgment of Acquittal and <u>268</u> Motion for New Trial as to Allen J. Pendergrass (1). Signed by Judge Amy Totenberg on 6/30/22. (jpa) (Entered: 06/30/2022)
08/19/2022	<u>286</u>	Sentencing Memorandum as to Allen J. Pendergrass filed by Allen J. Pendergrass (Attachments: # <u>1</u> Exhibit Letters of Support, # <u>2</u> Exhibit Fulton County Pretrial Documents, # <u>3</u> Exhibit Fulton County emails, # <u>4</u> Exhibit BOP documents, # <u>5</u> Exhibit 2019 emails, # <u>6</u> Exhibit Recidivism Quick Guide)(Durrett, Saraliene) (Entered: 08/19/2022)
08/20/2022	<u>287</u>	Sentencing Memorandum as to Allen J. Pendergrass filed by USA (King, Tracia) (Entered: 08/20/2022)
08/24/2022	<u>288</u>	Minute Entry for proceedings held before Judge Amy Totenberg: Sentencing hearing held as to Allen J. Pendergrass. Defendant sentenced as to Counts 1 through 10 of the Criminal Indictment and advised of appeal rights. See J&C for sentence. BOND (Court Reporter Shannon Welch) (jpa) (Entered: 08/24/2022)

		08/25/2022)
08/26/2022	<u>289</u>	JUDGMENT AND COMMITMENT as to Allen J. Pendergrass (1) as to Count(s) 1–5, 6, 7, 8, 9–10. 22 months as to Count 1–6 to be served concurrently to each other and 24 months as to each of Counts 7–10 to be served concurrently to each other and consecutively to Counts 1–6 for a total term of 46 months. 18 month supervised release with special and mandatory conditions of release. \$1000.00 special assessment. \$221,298.36 in restitution. Signed by Judge Amy Totenberg on 8/26/22. --Please refer to <a href="http://www.ca11.uscourts.gov">http://www.ca11.uscourts.gov</a> to obtain an appeals jurisdiction checklist-- (jpa) (Entered: 08/29/2022)
09/07/2022	<u>290</u>	NOTICE OF APPEAL as to Allen J. Pendergrass re <u>289</u> Judgment and Commitment,,. Transcript Order Form due on 9/21/2022 (Strickland, Sydney) (Entered: 09/07/2022)
09/08/2022		Request For Presentence Investigation Report as to Allen J. Pendergrass re: <u>290</u> Notice of Appeal filed on 9/7/22. (pjm) (Entered: 09/08/2022)
09/08/2022	<u>291</u>	USCA Appeal Transmission Letter as to Allen J. Pendergrass to USCA– 11th Circuit re: <u>290</u> Notice of Appeal filed by Allen J. Pendergrass. (pjm) (Entered: 09/08/2022)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

<b>UNITED STATES OF</b>	)	
<b>AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CASE NO.</b>
<b>vs</b>	)	<b>1:17-CR-00224-1-AT-CMS</b>
	)	
<b>ALLEN J. PENDERGRASS,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER APPOINTING COUNSEL**

The Court finds the Defendant, the individual named below, having testified under oath or having otherwise satisfied this Court that he or she is financially unable to employ counsel, is indigent, and because the interest of justice so require;

IT IS ORDERED that Saraliene Durrett is hereby appointed to represent Defendant Allen J. Pendergrass Nunc Pro Tunc to November 27, 2018. This 10th day of December, 2018.



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UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

ALLEN J. PENDERGRASS

)  
)  
)  
)  
)  
)  
)

**JUDGMENT IN A CRIMINAL CASE**

Case Number: 1:17-CR-0224-AT-1

USM Number: 65828-019

Saraliene Smith Durrett

Defendant's Attorney

**THE DEFENDANT:**

The defendant was found guilty on counts 1 through 10 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 1341 and 2	Mail Fraud	April, 2014	1-5
18 U.S.C. § 1956(h)	Money Laundering Conspiracy	April, 2014	6
18 U.S.C. § 1028A	Aggravated Identity Theft	April, 2014	7-10

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

August 24, 2022

Date of Imposition of Judgment



Signature of Judge

AMY TOTENBERG, SENIOR U. S. DISTRICT  
JUDGE

Name and Title of Judge

August 26, 2022

Date

DEFENDANT: ALLEN J. PENDERGRASS  
CASE NUMBER: 1:17-CR-0224-AT-1

Judgment -- Page 2 of 8

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Judgment in a Criminal Case  
Sheet 2 -- Imprisonment

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **TWENTY- TWO (22) MONTHS** as to each of Count 1 through 6 to be served **CONCURRENTLY** to each other, and **TWENTY-FOUR (24) MONTHS** as to each of Counts 7 through 10 to be served **CONCURRENTLY** to each other and **CONSECUTIVELY** to Counts 1 through 6 for a total term of imprisonment of **FORTY-SIX (46) MONTHS**.

Due to Defendant's advanced age, health, and other sentencing concerns, the Court strongly recommends that defendant be allowed to serve his final **EIGHTEEN (18) MONTHS** of incarceration in home confinement and that the Defendant be authorized to work and engage in other activity pre-approved by the Probation Department or Court during that eighteen month period.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: On a date no less than **SEVENTY-FIVE (75) DAYS** after the published date of this judgment.

The Court recommends that defendant serve his term of imprisonment at the Bureau of Prisons FPC Montgomery facility.

DEFENDANT: ALLEN J. PENDERGRASS  
CASE NUMBER: 1:17-CR-0224-AT-1

Judgment -- Page 3 of 8

**RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ALLEN J. PENDERGRASS  
CASE NUMBER: 1:17-CR-0224-AT-1

Judgment -- Page 4 of 8

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Judgment in a Criminal Case  
Sheet 3 -- Supervised Release

### **SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of: **EIGHTEEN (18) MONTHS.**

You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you are released from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time.

### **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. You must cooperate in the collection of DNA as directed by the probation officer.
5. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. Restitution payments must be made to Clerk, U.S. District Court, Northern District of Georgia, 2211 U.S. Courthouse, 75 Ted Turner Dr. SW, Atlanta, GA 30303.
6. You must not own, possess or have under your control any firearm, dangerous weapon or other destructive device as those terms are defined in 18 U.S.C. § 921 (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.



DEFENDANT: ALLEN J. PENDERGRASS  
CASE NUMBER: 1:17-CR-0224-AT-1

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## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work (at least 20 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so for advanced age or health related reasons. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see Overview of Probation and Supervised Release Conditions, available at: [www.uscourts.gov](http://www.uscourts.gov)

I understand that a violation of any of these conditions of supervised release may result in modification, extension, or revocation of my term of supervision.

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

USPO's Signature \_\_\_\_\_ Date \_\_\_\_\_

DEFENDANT: ALLEN J. PENDERGRASS  
CASE NUMBER: 1:17-CR-0224-AT-1

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### **SPECIAL CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following special conditions of supervision.

You must make full and complete disclosure of your finances and submit to an audit of your financial documents at the request of your probation officer. You must provide the probation officer with full and complete access to any requested financial information and authorize the release of any financial information. The probation office may share the financial information with the United States Attorney's Office.

You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you violated a condition of your supervision and that areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

You must permit confiscation and/or disposal of any material considered to be contraband or any other item which may be deemed to have evidentiary value of violations of supervision.

You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription.

DEFENDANT: ALLEN J. PENDERGRASS  
CASE NUMBER: 1:17-CR-0224-AT-1

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Judgment in a Criminal Case  
Sheet 5 -- Criminal Monetary Penalties

## CRIMINAL MONETARY PENALTIES

### Special Assessment

TOTAL \$1000.00 which shall be due immediately. The assessment shall be paid to Clerk, U.S. District Court, Northern District of Georgia.

The Court finds that the defendant does not have the ability to pay a fine and cost of incarceration. The Court waives the fine and cost of incarceration in this case.

### Fine

TOTAL \$0

### Restitution

TOTAL \$221,298.36

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*****</u>	<u>Restitution Ordered</u>
City of Atlanta Finance Department 68 Mitchell Street Suite 11100 Atlanta, Georgia 30303	\$194,775.37	\$194,775.37
Harris County Texas C/O Ann Harris Bennett Harris County Tax Collector P.O. Box 4622 Houston, Texas 77210-4622	\$5,184.83	\$5,184.83
Fort Collins Colorado City of Fort Collins P.O. Box 580 Fort Collins, Colorado 80522	\$21,338.16	\$21,338.16

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TOTALS	<u>\$221,298.36</u>	<u>\$221,298.36</u>
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The court determined that the defendant does not have the ability to pay interest and it is ordered that: The interest requirement is waived for the restitution.

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A. Payment in equal monthly- installments of \$100.00, totaling \$5,000.00, over a period of FIVE (5) YEARS, to commence immediately after the publication date of this judgment.
- B. Payment of the \$216,298.36 balance of restitution during the term of supervised release will commence SIXTY (60) DAYS after release from imprisonment at a monthly rate of \$150.00. The supervising probation officer may determine an increase or reduction of the monthly rate based upon defendant's ability to pay.

IN THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT  
OF GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	CRIMINAL ACTION NO.
	)	
V.	)	1:17-CR-00224-AT-CMS
	)	
	)	
ALLEN J. PENDERGRASS,	)	
Defendant.	)	
	)	

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**NOTICE OF APPEAL**

Notice is hereby given that Allen J. Pendergrass hereby appeals to the Eleventh Circuit the judgment entered on August 26, 2022, by the Honorable Amy Totenberg (Doc. 289) in the United States District Court for the Northern District of Georgia.

Respectfully submitted this 7th day of September, 2022.

/s/ Sydney R. Strickland  
Sydney R. Strickland  
Georgia Bar No. 418591  
Attorney for Allen J. Pendergrass

STRICKLAND WEBSTER, LLC  
830 Glenwood Ave SE  
Suite 510-203  
Atlanta, GA 30316  
Telephone: (404) 590-7967  
Facsimile: (404) 393-3617  
sydney@stricklandwebster.com